

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to coordination of public transit services

The Department of Transportation hereby amends Chapter 910, “Coordination of Public Transit Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 307A.2 and 324A.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 324A.4 and 324A.5.

Purpose and Summary

The amendments to this chapter:

- Amend the definition of “department” to remove an obsolete division name.
- Amend the definition of “incidental transportation” to reflect Federal Transit Administration terminology.
- Amend the definition of “public transit service” to:
 - o Add the word “exclusive” before “public school transportation” to indicate school transportation provided during open-to-the-public service is allowable while closed “exclusive” school transportation is not.
 - o Update the list of state institutions which provide their own on-campus transportation, which is not considered a public transit service.
- Rescind the definition of “public transit system” since this definition is already included in Iowa Code section 324A.1. Rule 761—910.1(324A) already states that the definitions in Iowa Code section 324A.1 apply to these rules.
- Update the contact information to correct an office name and add the Department’s website address.
- Update language throughout the chapter to remove obsolete office and division names.
- Change how often the Statewide Transportation Coordination Advisory Council must meet from monthly to quarterly to give the Council greater flexibility to meet when needed, rather than meeting monthly without a full agenda.
- Make editorial corrections for readability.
- Correct references to Iowa Code section 324A.5(3) since this section was renumbered.
- Remove a reference to Iowa Code section 17A.18 since this section concerns licenses and is not pertinent to this chapter.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 3, 2018, as **ARC 3533C**. No public comments or requests for oral presentations were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on February 13, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 18, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule **761—910.1(324A)**, definitions of "Department," "Incidental transportation" and "Public transit service," as follows:

"Department" means the state department of transportation. The department's office of public ~~transportation of the air and transit division of the department~~ transit administers Iowa Code chapter 324A.

"Incidental transportation" means ~~transportation provided by an agency or entity when the driver must provide supervision, educational assistance or other support enroute and at the origin or destination. Transportation used merely to access other services is not incidental~~ the provision of transit rides when existing public transportation services cannot meet demand. Allowable charter service and meal deliveries are examples of incidental transportation.

"Public transit service" means any publicly funded passenger transportation for the general public or for specific client groups not including exclusive public school transportation, emergency transportation or incidental transportation or transportation provided by the state department of human services or state department of corrections on the grounds of the following institutions:

~~State juvenile home, Toledo;~~
State training school, Eldora;
Cherokee mental health institute;
~~Clarinda mental health institute;~~
Independence mental health institute;
~~Mount Pleasant mental health institute;~~
Glenwood state hospital-school;
Woodward state hospital-school;
Iowa veterans home, Marshalltown;
Iowa state penitentiary, Fort Madison;
~~Iowa state men's reformatory,~~ Anamosa state penitentiary, Anamosa;
Iowa correctional institution for women, Mitchellville;
~~Medium security unit,~~ Mount Pleasant correctional facility, Mount Pleasant;
~~Riverview release center,~~ Newton correctional facility, Newton;
Iowa medical and classification center, ~~Oakdale~~ Coralville;

North central correctional facility, Rockwell City;
Fort Dodge correctional facility, Fort Dodge;
~~Correctional treatment unit,~~ Clarinda correctional facility, Clarinda.

ITEM 2. Rescind the definition of “Public transit system” in rule **761—910.1(324A)**.

ITEM 3. Amend rule 761—910.2(17A) as follows:

761—910.2(17A) Information and location. ~~Requests for forms~~ Forms or information about the coordination of public transit services ~~shall be addressed to:~~ are available from the Office of Public Transportation, ~~Air and Transit Division~~ Transit, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870 or on the department’s website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 4. Amend paragraph **910.3(2)“c”** as follows:

c. Staff. Staff support for council activities shall be provided by the ~~department’s office of public transportation~~ department.

ITEM 5. Amend paragraph **910.3(2)“d”** as follows:

d. Meetings. Meetings shall be held at least once each ~~month~~ quarter and may be held more frequently if necessary to enable the council to expeditiously discharge its duties.

ITEM 6. Amend paragraph **910.3(3)“d”** as follows:

d. Advise and make recommendations to the ~~department’s office of public transportation~~ department concerning public transportation policy.

ITEM 7. Amend paragraph **910.4(4)“b”** as follows:

b. Forms submitted directly to the department by its recipients or by providers not receiving state or state-administered funds shall be reviewed for completeness by the office of public ~~transportation~~ transit within 10 working days.

ITEM 8. Amend paragraph **910.5(2)“b”** as follows:

b. Operates all services open to the public under contract with and under control of a designated transit system, or

ITEM 9. Amend subrule 910.7(1) as follows:

910.7(1) If the department of human services purchases services from the noncompliant provider, the ~~department’s office of public transportation~~ transit shall notify the department of human services of the noncompliant finding.

ITEM 10. Amend subrule 910.7(2) as follows:

910.7(2) If the noncompliant provider is a recipient of public funds from other than the department of human services, the ~~department’s office of public transportation~~ department shall notify the proper authority as required in Iowa Code ~~subsection 324A.5(3)~~ section 324A.5.

ITEM 11. Amend rule 761—910.8(17A,324A) as follows:

761—910.8(17A,324A) Revocation.

910.8(1) If certification is revoked, the ~~air and transit division~~ department shall send a written notice of revocation to the provider.

910.8(2) The affected public transit system, the provider and the ~~air and transit division~~ department shall meet within 10 days after the date of the revocation notice to determine an acceptable amendment of the transportation services. The amendments which are agreed upon shall become effective within 60 days. The contract between the provider and the affected public transit system shall be amended, if necessary, to agree with the service changes.

910.8(3) If the transportation services are not ~~timely~~ amended in a timely manner, the ~~air and transit division~~ department shall initiate actions as required in Iowa Code ~~subsection 324A.5(3)~~ section 324A.5(2).

This rule is intended to implement Iowa Code ~~sections 17A.18 and~~ section 324A.5.

[Filed 2/14/18, effective 4/18/18]

[Published 3/14/18]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/14/18.